

Management Board minutes

Monday 25 July 2016

Members and other attendees present

Ailsa Beaton	Non-executive Director
Simon Entwisle	Deputy Commissioner and Deputy Chief Executive Officer
Elizabeth Denham	Information Commissioner (chair)
Ian Watmore	Non-executive Director
Nicola Wood	Non-executive Director
Steve Wood	Deputy Commissioner (interim)
Peter Bloomfield	Senior Corporate Governance Manager (secretariat)

1. Introductions and apologies

- 1.1. The new Commissioner welcomed Board members to this, her first, Management Board meeting.
- 1.2. Steve Wood was welcomed to the meeting, telephoning in from Brussels for the third agenda item.
- 1.3. Elizabeth Denham thanked Simon Entwisle for his work as acting Information Commissioner during the interregnum between Christopher Graham and Elizabeth Denham.

2. Declaration of interests

- 2.1. There were no declarations of interest.

3. Impact of the EU referendum result on the ICO, its Corporate Plan and the risks arising

- 3.1. Steve Wood joined the meeting by telephone.
- 3.2. By way of introduction, a new EU regulation on data protection was to be implemented across the EU in May 2018, superseding the existing EU directive. Prior to the EU

referendum the ICO had started a project aimed at preparing itself, and those organisations processing personal data in the UK, for implementation of the new regulation. The result of the referendum would therefore have a large impact on the work of the ICO, introducing as it did uncertainty in the future of the UK's data protection regulatory regime. Adding to this uncertainty were recent changes in ministerial responsibilities and senior civil servants.

- 3.3. It was confirmed that Matt Hancock MP was the new Minister of State at the Department for Culture, Media and Sport (DCMS).
- 3.4. Elizabeth Denham asked the Board to consider the implications of the referendum and to advise on the future strategy for the ICO's data protection work.
- 3.5. It was for Ministers to decide on the way forward following the referendum vote, and the Commissioner was to meet officials and Ministers as appropriate. The ICO had a wealth of expertise in data protection regulation, both national and international, and is well placed to provide advice to Ministers on future options for UK data protection regulation; taking account of what UK legislation already provided and the development of other international jurisdictions.
- 3.6. The current intention was, in the first instance, to develop background information on options and prepare to make it available to Ministers and senior officials. The options research would also help inform the Management Board strategy day on the 26 September. A communications strategy and international strategy would also be required.
- 3.7. There was some discussion as to whether or not external expertise was needed when looking at the different data protection options and adequacy/equivalency implications. External expertise might help provide a fresh approach, to add to the internal expertise, but this could delay the research. The final decision was left to Steve Wood.

Action point 1: Steve Wood to commission research on the regulatory options and on a communications strategy to inform discussion at the Management Board Strategy Day.

- 3.8. It was recognised that there was uncertainty going forward and the ICO had to ensure it provided clear advice; for government, data controllers, the public, and for staff.
- 3.9. Ailsa Beaton highlighted the recent reports on increasing cyber-crime, and the need for confidence in the e-

economy. There was a need for the ICO to consider what more it could do in this area.

4. Matters arising from the previous meeting

- 4.1. There was discussion about the intelligence on nuisance calls that might be available from the Telephone Preference Service.
- 4.2. Simon Entwistle updated the Board on the action from the last meeting on getting intelligence from other regulators who received complaints to them about what could have a data protection angle; eg complaints to the Financial Services Ombudsman. The ICO will be working with other ombudsmen to follow up on intelligence.
- 4.3. The Board was advised of steps being taken to cover for the Head of Good Practice's maternity leave. Paul Arnold would be overseeing the finance function. He had significant experience of managing the IT budget. The Head of Finance, Heather Dove, would return to the office in February.

5. Current issues and forward look from the Information Commissioner and Deputy

- 5.1. Elizabeth Denham explained the main elements of her induction to the ICO, including one to one meetings with senior managers and teams, an all staff meeting, and her first Senior Management Team meeting.
- 5.2. Simon Entwistle highlighted the resources available at the DCMS to take forward work on data protection regulation. The ICO had provided a secondee and was considering a second. This would be discussed further at the liaison meeting with DCMS later in the week.
- 5.3. The ICO was using the Change Programme to highlight its commitment to follow up on the recent staff survey. Staff comments from the survey have been grouped and were being taken forward by the Senior Management Team where necessary; eg those linked to agile working and the visibility of Senior Management Team members. Other items were being taken forward separately. There would be a short follow up survey in the spring.
- 5.4. The 2016 pay award had been paid to staff in their July salaries. The deal was within the government's 1% cap.
- 5.5. Pay and grading was discussed by the Board.

Action 2: Simon Entwisle to consider the points raised and to bring the matter of a pay and grading review back to the next Management Board.

- 5.6. The future of the Remuneration Committee needed to be agreed at some stage. Its role could possibly be subsumed within the Management Board duties. Members of the Committee noted that the 1% cap on pay awards had removed much of the ability of the Committee to advise on remuneration matters. Changes to the Committee could be considered within the wider context of the ICO governance structure.

Action point 3: Elizabeth Denham to consider the current corporate governance structure and to come back to the Board with any proposals for change.

- 5.7. It was confirmed that the process for recruitment of a Deputy Commissioner had started. Recruitment of a new non-executive director was also in-train with interviews planned for September.
- 5.8. It was also confirmed that the lease on Wycliffe House had been signed.

6. Performance against the ICO Plan

- 6.1. Simon Entwisle introduced the report on performance against the ICO Plan. There were some actions shown as amber because problems had arisen, but in the main performance was on track. There had been increased numbers of complaints to the ICO during the quarter.
- 6.2. It was noted that the ICO Plan would need to be amended during quarter two to reflect the referendum result.
- 6.3. The lack of information in support of action 6.8 on embedding diversity was questioned. Gender differences in salaries were reported to the Remuneration Committee but more detailed reporting and explanation was needed in respect of other protected characteristics.

Action point 4: Simon Entwisle to discuss the reporting on the diversity action with the chairs of the Equality and Diversity committee.

- 6.4. There was also discussion on ICO monitoring of organisations' performance in meeting data protection and freedom of information obligations. There were concerns about whether there was a culture in police forces of not taking information rights seriously. This might be an area to focus on in the future.

6.5. It was also noted that the average wait time for callers to the ICO had increased to 67 seconds. In response it was explained that customer satisfaction for calls was over 90%, and the ICO aimed to answer the enquiry in one call. In addition work had been done to minimise the number of people calling the ICO after not having found what they were looking for on the website. And live chat was now up and running. But a basic tenet of ICO service was that many people wanted to talk to an individual about their issues, and this wish ought to be respected.

6.6. The cost of reducing waiting times was discussed.

Action point 5: Simon Entwisle to come back to Management Board with an estimate of the cost of reducing caller wait times by specific amounts.

6.7. It was confirmed that the ICO website met current standards in accessibility. However the size of the site did make finding information more difficult.

6.8. It was agreed that the Board should have a briefing on customer service when possible.

Action point 6: Peter Bloomfield to arrange for Paul Arnold to give a presentation to Management Board on customer service.

7. Finances

7.1. The main financial issue was that fee income continued to rise and a handback to the Consolidated Fund was projected. The fee structure was being looked at with the aim of ensuring fees matched more closely the financial needs of the ICO. The issue would be discussed with DCMS at the liaison meeting on Thursday.

7.2. Nicola Wood asked about the low spending on the staff recognition budget. It was thought that the variance might be seasonal but managers would be reminded of the budget and what it could be used for.

Action point 7: Simon Entwisle to remind Senior Management Team member of the staff recognition budget and what it could be used for.

8. Issues reports

Operations

8.1. The reason for the increase in complaints to the ICO was further explored. It was not clear why the increase had

happened. Numbers do fluctuate but can only sometimes be linked to publicity.

Information rights

8.2. The report was noted. The next report was expected to reflect the impact of the referendum result.

Corporate Affairs

8.3. The report was noted.

Organisational Development

8.4. The report was noted.

Business Development and IT

8.5. The report was noted.

Customer Contact

8.6. The report was noted.

9. Senior Management Team meetings

9.1. The report was noted.

10. Audit Committee

10.1. Ian Watmore provided a brief update on the recent Audit Committee which had agreed the 2015/16 Annual Report and Accounts.

11. Remuneration Committee

11.1. The report was noted.

12. Any other business

12.1. Ailsa Beaton asked if there were any outstanding issues arising from the crypto-security issue. Simon Entwisle provided an update.